

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1721

**Introduced by Committee on Labor and Employment (Koretz
(Chair), Mullin (Vice Chair), Chu, Hancock, Laird, and
Negrete McLeod)**

February 27, 2003

An act to add Section 245 to the Labor Code, relating to wages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Committee on Labor and Employment. Wages.

Under existing law, the Labor Commissioner may make determinations as to the validity of *an* employee's claims for wages.

This bill would provide that when the Labor Commissioner makes a determination that an employee's wage claim is valid and that an employer has *willfully and intentionally* violated the wage and hour laws of the state, the Labor Commissioner shall also require the employer to post a notice describing the violation and declaring that the employer will not violate the wage and hour laws of the state in the future.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 245 is added to the Labor Code, to read:
2

1 245. When the Labor Commissioner has determined that an
2 employee's wage claim is valid and an employer has *willfully or*
3 *intentionally* violated any provision of this chapter, the Labor
4 Commissioner shall also order the employer to post a notice at the
5 place of employment where the violation occurred, containing a
6 description of the nature of the violation, a declaration by the
7 employer that it will not engage in these unlawful acts in the future,
8 and the address and telephone number of the Labor Commissioner.
9 The notice, on a form approved by the Labor Commissioner, shall
10 be conspicuously posted by the employer for a period of not less
11 than 60 days. The notice shall bear the seal of the State of
12 California and the signature of the employer or the employer's
13 agent or representative. The employer shall bear the cost of
14 producing and posting the notice. An employer's failure or refusal
15 to post the notice shall subject the employer to a civil penalty,
16 assessed and collected by the Labor Commissioner, in the amount
17 of five hundred dollars (\$500) for each failure or refusal.

